



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions During Week of May 8, 2017

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#17-142 *In re J.G.*, S240397. (C077056; 7 Cal.App.5th 955; Shasta County Superior Court; JDSQ122933901.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding. This case includes the following issues: (1) Did the juvenile court have the authority to convert a restitution order to a civil judgment at the completion of deferred entry of judgment? (2) Did the juvenile court err by ruling that restitution could be paid from federally-protected Social Security benefits?

#17-143 *Mathews v. Harris*, S240156. (B265990; 7 Cal.App.5th 334; Los Angeles County Superior Court; BC573135.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case includes the following issues: (1) Does a psychotherapy patient have a constitutional right of privacy in seeking psychotherapeutic treatment, even if the treatment entails a communication with a psychotherapist that refers to conduct constituting a crime? (2) Does the Child Abuse and Neglect Reporting Act (Pen. Code, § 11164 et seq.) violate a patient's rights under the California Constitution by compelling disclosure of communications demonstrating "sexual exploitation," which includes, among other things, downloading, streaming, and accessing through any electronic or digital media a depiction of a child engaged in an act of obscene sexual conduct?

#17-144 *People v. Berry*, S241107. (B264757; nonpublished opinion; Los Angeles County Superior Court; PA027446.) Petition for review after the Court of Appeal reversed an order denying a petition to recall sentence.

#17-145 *People v. Steffle*, S241017. (B267915; nonpublished opinion; Los Angeles County Superior Court; LA017901.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Berry* and *Stefflre* deferred pending decision in *People v. Estrada*, S232114 (#16-104), which concerns whether a trial court may rely on the facts of counts dismissed under a plea agreement to find the defendant ineligible for resentencing under the provisions of Proposition 36, and *People v. Frierson*, S236728 (#16-362), which concerns the standard of proof for such a finding of ineligibility for resentencing.

#17-146 *In re Carlos H.*, S241067. (A148154; nonpublished opinion; San Francisco County Superior Court; JW12-6397.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding. The court ordered briefing deferred pending decision in *In re Ricardo P.*, S230923 (#16-41), which presents the following issue: Did the trial court err imposing an “electronics search condition” on minor as a condition of his probation when it had no relationship to the crimes he committed but was justified on appeal as reasonably related to future criminality under *People v. Olguin* (2008) 45 Cal.4th 375 because it would facilitate his supervision?

#17-147 *Daniel v. Wayans*, S240704. (B261814, B263950; 8 Cal.App.5th 367; Los Angeles County Superior Court; BC555610.) Petition for review after the Court of Appeal affirmed an order granting a special motion to strike in a civil action. The court ordered briefing deferred pending decision in *Park v. Board of Trustees of California State University*, S229728 (#15-234), which presents the following issue: Does Code of Civil Procedure section 425.16 authorize a court to strike a cause of action in which the plaintiff challenges only *the validity of an action* taken by a public entity in an “official proceeding authorized by law” (subd. (e)) but does not seek relief against any participant in that proceeding based on his or her protected communications?

#17-148 *In re Daniel T.*, S240884. (A146352; nonpublished opinion; Contra Costa County Superior Court; J1301134.) Petition for review after the Court of Appeal affirmed an order granting a petition to recall sentence. The court ordered briefing deferred pending decision in *In re C.B.*, S237801 (#16-384), and *In re C.H.*, S237762 (#16-395), which present the following issues: Did the trial court err by refusing to order the expungement of juvenile’s DNA record after his qualifying felony conviction was reduced to a misdemeanor under Proposition 47 (Pen. Code § 1170.18)? Does the retention of juvenile’s DNA sample violate equal protection because a person who committed the same offense after Proposition 47 was enacted would be under no obligation to provide a DNA sample?

#17-149 *In re Diaz*, S240888. (B269048; 8 Cal.App.5th 812; Los Angeles County Superior Court; BA404022.) Petition for review after the Court of Appeal reversed an order granting relief on a petition for writ of habeas corpus. The court ordered briefing deferred pending decision in *People v. Valenzuela*, S232900 (#16-97), which concerns the effect of an order reclassifying a felony as a misdemeanor under the provisions of

Proposition 47 on the penalty enhancement imposed for serving a prior prison term on that conviction, and *People v. DeHoyos*, S228230 (#15-171), which concerns whether the provision of Proposition 47 that made specified crimes misdemeanors rather than felonies apply retroactively to a defendant who was sentenced before the Act's effective date but whose judgment was not final until after that date.

#17-150 *People v. Gardea*, S240958. (F071200; nonpublished opinion; Kern County Superior Court; BF155640A.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses.

#17-151 *People v. Perez*, S240499. (E065986; nonpublished opinion; Riverside County Superior Court; RIF1207791.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#17-152 *People v. Pham*, S240522. (G051849; nonpublished opinion; Orange County Superior Court; 11WF2969.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#17-153 *People v. Robison*, S240898. (F071955; nonpublished opinion; Kern County Superior Court; BF142506A.) Petition for review after the Court of Appeal affirmed a post-conviction order in a criminal case.

#17-154 *People v. Salazar*, S241034. (E065540; nonpublished opinion; Riverside County Superior Court; INF1201546.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#17-155 *People v. Velasquez*, S240811. (F072195; nonpublished opinion; Kern County Superior Court; BF137599A.) Petition for review after the Court of Appeal affirmed a post-conviction order in a criminal case.

The court ordered briefing in *Gardea*, *Perez*, *Pham*, *Robison*, *Salazar*, and *Velasquez* deferred pending decision in *People v. Valenzuela*, S232900 (#16-97), which presents the following issue: Is a defendant eligible for resentencing on the penalty enhancement for serving a prior prison term on a felony conviction after the superior court has reclassified the underlying felony as a misdemeanor under the provisions of Proposition 47?

#17-156 *People v. Mahoney*, S241154. (E065891; nonpublished opinion; San Bernardino County Superior Court; FVI1102874.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

#17-157 *In re R.K., S240974.* (E065612; nonpublished opinion; San Bernardino County Superior Court; J264090.) Petition for review after the Court of Appeal affirmed orders in a juvenile wardship proceeding.

#17-158 *People v. Richards, S241116.* (E065398; nonpublished opinion; San Bernardino County Superior Court; FVI021550.) Petition for review after the Court of Appeal affirmed an order denying a petition to recall sentence.

The court ordered briefing in *Mahoney, R.K.*, and *Richards* deferred pending decision in *People v. Page*, S230793 (#16-28), which presents the following issue: Does Proposition 47 (“the Safe Neighborhoods and Schools Act”) apply to the offense of unlawful taking or driving a vehicle (Veh. Code, § 10851), because it is a lesser included offense of Penal Code section 487, subdivision (d), and that offense is eligible for resentencing to a misdemeanor under Penal Code sections 490.2 and 1170.18?

#17-159 *In re Samantha D., S240694.* (B270405; nonpublished opinion; Los Angeles County Superior Court; DK12630.) Petition for review after the Court of Appeal affirmed orders in a juvenile dependency proceeding. The court ordered briefing deferred pending decision in *In re R.T.*, S226416 (#15-92), which presents the following issue: Does Welfare and Institutions Code section 300, subdivision (b)(1), authorize dependency jurisdiction without a finding that parental fault or neglect is responsible for the failure or inability to supervise or protect the child?

#17-160 *People v. Stearman, S240209.* (C075937, C076323; nonpublished opinion; Yolo County Superior Court; CRF132279.) Petition for review after the Court of Appeal affirmed judgments of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Gutierrez and Ramos*, S224724 (15-73), and *People v. Enriquez*, S240249 (#17-84), which present the following issue: Did the Court of Appeal err in upholding the trial court’s denial of defendants’ *Batson/Wheeler* motions?

#17-161 *People v. Watson, S240584.* (D069324; 8 Cal.App.5th 496; San Diego County Superior Court; SCD215231, HC20480.) Petition for review after the Court of Appeal affirmed an order on resentencing in a criminal case. The court ordered briefing deferred pending decision in *People v. Arzate*, S238032 (#17-32) and *People v. Padilla*, S239454 (#17-34), which present issues as to the requirements under *Montgomery v. Louisiana* (2016) 577 U.S. ___, 136 S.Ct. 718, 193 L.Ed.2d 599, *Miller v. Alabama* (2012) 567 U.S. ___, 132 S.Ct. 2455, 183 L.Ed.2d 407, for imposing a sentence of life imprisonment without possibility of parole on a juvenile offender.

DISPOSITIONS

Review in the following cases, which were granted and held for *People v. Garcia* (2016) 2 Cal.5th 792, was dismissed:

#15-63 *People v. Munoz*, S224900.
#15-76 *People v. Jacalne*, S225510.
#15-78 *People v. Robledo*, S225901.

#15-124 *People v. Gattis*, S226917.
#16-254 *People v. DeLeon*, 234265.

The following cases were transferred for reconsideration in light of *People v. Garcia* (2016) 2 Cal.5th 792:

#14-77 *People v. Friday*, S218288.
#14-79 *People v. Klatt*, S218755.
#15-74 *People v. Garcia*, S226098.
#15-75 *People v. Gonzales*, S225604.
#15-77 *People v. Rebulloza*, S225503.
#15-79 *People v. Tekle*, S226087.
#15-104 *People v. Delgado*, S226425.

#15-130 *People v. Magat*, S227107.
#15-199 *People v. Carothers*, S228817.
#16-04 *People v. Collins*, S230507.
#16-190 *People v. Herrera*, S233569.
#16-265 *People v. Moore*, S235309.
#16-437 *People v. Forney*, S238013.

The following case was returned to the Public Utilities Commission for reconsideration in light of *Los Angeles County Board of Supervisors v. Superior Court* (2016) 2 Cal.5th 282:

#16-94 *Marina Coast Water Dist. v. Public Utilities Com.*, S230728.

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The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.